

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES BARNWELL,)	CASE NO. 1:10 CV 1139
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	<u>REPORT & RECOMMENDATION</u>
Defendant.)	

This matter comes before the Magistrate Judge by automatic reference of administrative action¹ for review of the decision of the Commissioner of Social Security denying plaintiff's applications for Social Security disability insurance benefits and supplemental security income.²

Counsel for the parties have filed a joint stipulation to remand.³ The parties, through their counsel, have stipulated and petitioned this Court to enter a judgment reversing the Commissioner's decision under sentence four of 42 U.S.C. § 406(g) and remanding this case to the Commissioner of Social Security for further administrative proceedings.

On remand, the Administrative Law Judge will re-evaluate the medical source opinions of record in assessing Barnwell's residual functional capacity and determine whether he can

¹ Non-document order filed 02/10/2011.

² ECF # 1.

³ ECF # 18.

perform his past relevant work, or any other work that exists in the national economy. The ALJ will issue a new decision, following consideration of all the evidence.

On consideration whereof, the Magistrate Judge recommends the reversal and remanding of the above-captioned case.

Dated: February 14, 2011

s/ William H. Baughman, Jr.
United States Magistrate Judge

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.⁴

⁴ See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).